

## Subpart Z—Mississippi

### § 52.1270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Mississippi under section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with

EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

## EPA-APPROVED MISSISSIPPI REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Comments
APC-S-1 Section 1	General	01/09/94	02/12/96 61 FR 5295	Subsection 2 Other Limitations and Subsection 3 NSPS have not been Federally approved.
Section 2	Definitions	01/09/94	02/12/96 61 FR 5295	
Section 3	Specific Criteria for Sources of Particulate Matter	09/21/96	07/15/97 62 FR 37726	
Section 4	Specific Criteria for Sources of Sulfur Compounds	01/09/94	02/12/96 61 FR 5295	
Section 5	Specific Criteria for Sources of Chemical Emissions	01/09/94	02/12/96 61 FR 5295	
Section 6	New Sources	01/09/94	02/12/96 61 FR 5295	
Section 7	Exceptions	02/04/72	05/31/72 37 FR 10875	
Section 9	Stack Height Considerations	05/01/86	09/23/87 51 FR 35704	
Section 10	Provisions for Upsets, Startups, and Shutdowns	01/09/94	02/12/96 61 FR 5295	
Section 11	Severability	01/09/94	02/12/96 61 FR 5295	
APC-S-2 Section 1	Mississippi commission On Environmental Quality Permit Requirements	01/09/94	05/02/95 60 FR 21442	
Section II	General Standards Applicable to All Permits	01/09/94	05/02/95 60 FR 21442	Regulations for the Construction and/or Operation of Air Equipment
Section III	Standards for Granting a State Permit to Operate An Existing Source.	01/09/94	05/02/95 60 FR 21442	
Section IV	Application for Permit to Construct and State Permit to Operate New Facility.	01/09/94	05/02/95 60 FR 21442	
Section V	Public Participation and Public Availability of Information	01/09/94	05/02/95 60 FR 21442	
Section VI	Application Review	01/09/94	05/02/95 60 FR 21442	
Section VII	Compliance Testing	01/09/94	05/02/95 60 FR 21442	
Section VIII	Emissions Evaluation Report	01/09/94	05/02/95 60 FR 21442	
Section IX	Procedures for Renewal of State Permit to Operate	01/09/94	05/02/95 60 FR 21442	
Section X	Standards for Renewal of State Permit to Operate	01/09/94	05/02/95 60 FR 21442	
Section XI	Reporting and Record Keeping	01/09/94	05/02/95 60 FR 21442	

Section XII .....	Emission Reduction Schedule .....	01/09/94	05/02/95 60 FR 21442
Section XIII .....	Exclusions, Variances, and General Permits .....	01/09/94	05/02/95 60 FR 21442
Section XIV .....	Permit Transfer .....	01/09/94	05/02/95 60 FR 21442
Section XV .....	Severability .....	01/09/94	05/02/95 60 FR 21442
APC-S-3 .....	Regulations for Prevention of Air Pollution Emergency Episodes		
Section 1 .....	General .....	02/04/72	05/31/72 37 FR 10875
Section 2 .....	Definitions .....	02/04/72	05/31/72 37 FR 10875
Section 3 .....	Episode Criteria .....	06/03/88	11/13/89 54 FR 47211
Section 4 .....	Emission Control Action Programs .....	02/04/72	05/31/72 37 FR 10875
Section 5 .....	Emergency Orders .....	06/03/88	11/13/89 54 FR 47211
APC-S-5 .....	Regulations for the Prevention of Significant Deterioration of Air Quality		
All .....	.....	09/21/96	07/15/97 62 FR 37726

(d) EPA-approved State Source specific requirements.

EPA-APPROVED MISSISSIPPI SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Comments
None.				

(e) [Reserved]

**§ 52.1271 Classification of regions.**

[62 FR 35442, July 1, 1997, as amended at 62 FR 37726, July 15, 1997; 62 FR 40139, July 25, 1997; 64 FR 35009, June 30, 1999]

The Mississippi plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Mobile (Alabama)-Pensacola-Panama City (Florida)-Gulfport (Mississippi) Interstate .....	I	I	III	III	I
Metropolitan Memphis Interstate .....	I	III	III	III	I
Mississippi Delta Intrastate .....	III	III	III	III	III
Northeast Mississippi Intrastate .....	II	III	III	III	III

[37 FR 10875, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

**§ 52.1272 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves Mississippi's plan for the attainment and maintenance of national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements or Part D, Title I, of the Clean Air Act as amended in 1977.

[45 FR 2032, Jan. 10, 1980]

**§ 52.1273 [Reserved]**

**§ 52.1275 Legal authority.**

(a) The requirements of § 51.230(d) of this chapter are not met since statutory authority to prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which indirectly results or may result in emissions of any air pollutant at any location which will prevent the maintenance of a national air quality standard is not adequate.

(b) The requirements of § 51.230(f) of this chapter are not met, since section 7106–117 of the Mississippi Code could, in some circumstances, prohibit the

disclosure of emission data to the public. Therefore, section 7106–117 is disapproved.

[39 FR 7282, Feb. 25, 1974, as amended at 39 FR 34536, Sept. 26, 1974; 51 FR 40676, Nov. 7, 1986]

**§ 52.1276 [Reserved]**

**§ 52.1277 General requirements.**

(a) The requirements of § 51.116(c) of this chapter are not met, since the legal authority to provide public availability of emission data is inadequate.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the

nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55330, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

**§ 52.1278 Control strategy: Sulfur oxides and particulate matter.**

In a letter dated January 30, 1987, the Mississippi Department of Natural Resources certified that no emission limits in the State's plan are based on dispersion techniques not permitted by EPA's stack height rules. This certification does not apply to: Mississippi Power-Daniel; South Mississippi Elec-

tric Power, Hattiesburg-Morrow; E.I. Dupont, Delisle Boilers 1 & 2; and International Paper, Vicksburg.

[54 FR 25456, June 15, 1989]

**§ 52.1279 [Reserved]**

**§ 52.1280 Significant deterioration of air quality.**

(a) All applications and other information required pursuant to § 52.21 of this part from sources located or to be located in the State of Mississippi shall be submitted to the Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209.

[43 FR 26410, June 19, 1978, as amended at 45 FR 34272, May 22, 1980; 45 FR 52741, Aug. 7, 1980; 55 FR 41692, Oct. 15, 1990]

**§ 52.1281 Original identification of plan section.**

(a) This section identifies the original "Air Implementation Plan for the State of Mississippi" and all revisions submitted by Mississippi that were federally approved prior to July 1, 1997.

(b) The plan was officially submitted on February 4, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A change in the Opacity Regulation, section 2, Appendix C; addition of testing methods, section 8, Appendix C; addition of Permit System, Appendix G and deletion of SO<sub>2</sub> regulation, section 4, Appendix C submitted on May 4, 1972, by the Mississippi Air and Water Pollution Control Commission.

(2) Telegram concerning adoption of plan changes submitted on May 15, 1972, by the Mississippi Air and Water Pollution Control Commission.

(3) House Bill number 680 submitted on May 17, 1972, by the Governor.

(4) Compliance schedule revisions submitted on March 6, 1973, by the Mississippi Air and Water Pollution Control Commission.

(5) Compliance schedule revisions submitted on August 9, 1973, by the Mississippi Air and Water Pollution Control Commission.

(6) AQMA identification material submitted on March 14, 1974, by the Mississippi Air and Water Pollution Control Commission.

(7) Compliance schedules submitted on January 20, 1975, by the Mississippi Air and Water Pollution Control Commission.

(8) Revised regulations for the incineration of cotton ginning waste, submitted on August 30 and November 14, 1977, by the Mississippi Air and Water Pollution Control Commission.

(9) Revised regulations for open burning, submitted on October 31, 1977, by the Mississippi Air and Water Pollution Control Commission.

(10) Revised permit regulations, submitted on March 16, 1978, by the Mississippi Air and Water Pollution Control Commission.

(11) Implementation plan revisions for the Jones County, Mississippi total suspended particulate nonattainment area, submitted on March 13, 1979, by the Mississippi Air and Water Pollution Control Commission.

(12) Revised regulation APC S-1, section 4.2(b), for emissions of sulfur oxides from the incineration of gas streams containing hydrogen sulfide, submitted on July 3, 1978; and permits containing limits on sulfur oxide emissions from individual flares, submitted on September 13, 1979, by the Mississippi Bureau of Pollution Control (see FEDERAL REGISTER of July 10, 1980).

(13) Air Quality Surveillance Plan, submitted on June 1, 1982, by the Mississippi Department of Natural Resources.

(14) Incorporation by reference of NSPS and NESHAPS (revised definition of "person", addition of paragraph 3 to section 6 of APC-S-1, addition of section 8 to APC-S-1, and addition of subparagraph 2.6.3 to APC-S-2), submitted on September 8, 1981, by the Mississippi Bureau of Pollution Control.

(15) Revised SO<sub>2</sub> limit for United Cement Company's Artesia kiln, and NSPS enabling regulation submitted on December 10, 1982, and adoption of six categories of NSPS submitted on December 23, 1982, by the Mississippi Bureau of Pollution Control.

(16) Revision to "Air Quality Regulations" and amendment to "Permit Regulations for the Construction and/or Operation of Air Emission Equipment" were submitted by the Mis-

issippi Department of Natural Resources on May 11, 1984.

(i) Incorporation by reference. (A) May 11, 1984 letter from the Mississippi Department of Natural Resources to EPA amending Regulations APC-S-1 and APC-S-2.

(B) A revision adopted on May 9, 1984, adds Paragraph 3 to Mississippi's "Air Quality Regulations," APC-S-1, Section 1 "General."

(C) A revision adopted on May 9, 1984, amends Mississippi's "Permit Regulations for the Construction and/or Operation of Air Emission Equipment," APC-S-2, Paragraph 2.6.2.1.

(ii) Other materials—none.

(17) Implementation plan for lead, submitted on May 9, 1984, by the Mississippi Department of Natural Resources.

(18) Part D and other new source review provisions were submitted by the Mississippi Department of Natural Resources on November 25, 1981.

(i) Incorporation by reference.

(A) Letter dated November 25, 1981 from Mississippi Department of Natural Resources, and Mississippi Regulation APC-S-2, section 2.4.8, "Additional Requirements for a Construction Permit for a New Facility Significantly Impacting an area in which a National Ambient Air Quality Standard is being Exceeded or will be Exceeded", was adopted by the Mississippi Commission on Natural Resources on November 12, 1981. Subsection 2.4.8.1, 2.4.8.3, and 2.4.8.4 are incorporated by reference.

(ii) Additional material.

(A) Letter to Jack Ravan from Charlie E. Blalock, dated November 25, 1985, interpreting Mississippi regulations with respect to source coverage and stack heights.

(19) Stack height regulations were submitted to EPA on April 1, 1986 by the Mississippi Department of Natural Resources.

(i) Incorporation by reference.

(A) Mississippi Department of Natural Resources, Bureau of Pollution Control, Appendix C-5, Air Emission Regulations, Regulation APC-S-1, Section 9, which was adopted on March 26, 1986.

(B) Letter of April 1, 1986 from Mississippi Department of Natural Resources.

(ii) Additional material—none.

(20) PM<sub>10</sub> revisions for the State of Mississippi which were submitted by the Mississippi Department of Natural Resources on July 26, 1988.

(i) Incorporation by reference.

(A) Revised regulations which became State-effective on June 3, 1988:

1. Air Emission Regulations, APC-S-1, Section 2, (16)–(27).

2. Permit Regulations . . . , APC-S-2, 2.4.8.1(a), (b), (e), (f) and 2.4.8.3.

3. Regulations for the Prevention of Air Pollution Emergency Episodes, APC-S-3, Section 3 and Section 5.

(ii) Additional material.

(A) Letter of July 26, 1988, from the Mississippi Department of Natural Resources, submitting the Mississippi SIP revisions.

Revised SIP narrative:

(B) Section 1.15 Notification of Public Hearing for Plan Revision for PM<sub>10</sub> Requirements

(C) Section 3.6 Legal Authority for the PM<sub>10</sub> Plan Revision

(D) Section 5.5 Control Strategy for the Development of Emission Regulations for PM<sub>10</sub>

(E) Section 6.9 Control Regulations for PM<sub>10</sub> Revisions

(F) Chapter 9.0 Air Monitoring

(G) Section 14.1.4 Health Effects of the PM<sub>10</sub> Plan Revisions

(H) Section 14.3.4 Economic Effects of the PM<sub>10</sub> Plan Revisions

(I) Section 14.5.4 Social Effects of the PM<sub>10</sub> Plan Revisions

(J) Section 14.6.4 Air Quality Effects of the PM<sub>10</sub> Revisions

(21) Revisions to APC-S-5 of the Mississippi Air Pollution Control Act which were submitted on July 16, 1990.

(i) Incorporation by reference. (A) Regulation APC-S-5, Regulations for the Prevention of Significant Deterioration of Air Quality, effective on July 29, 1990.

(ii) Other material. (A) Letter of July 16, 1990, from the Mississippi Department of Environmental Quality.

(22) Prevention of Significant Deterioration regulation revision to include Nitrogen Dioxide increments for the State of Mississippi which was submitted by the Mississippi Department

of Environmental Quality on June 14, 1991.

(i) Incorporation by reference.

(A) Revision to Regulation APC-S-5, Paragraph 1, Regulations for the Prevention of Significant Deterioration of Air Quality, which became State effective on May 28, 1991.

(ii) Other material.

(A) Letter of June 14, 1991 from the Mississippi Department of Environmental Quality.

(B) Letter of March 8, 1991, from the Mississippi Department of Environmental Quality regarding minimum program elements.

(23) The Mississippi Department of Environmental Quality has submitted revisions to chapter 15 of the Mississippi Statute on November 19, 1992. These revision address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) Mississippi SIP chapter 15 effective December 19, 1992.

(ii) Additional information.

(A) January 20, 1994, letter of clarification regarding the appointment of the CAP.

(24) The Mississippi Department of Environmental Quality submitted revisions on June 14, 1991, to "Permit Regulations for the construction and/or Operation of Air Emissions Equipment" of Regulation APC-S092. These revisions incorporate "moderate stationary sources" into the existing regulations which are required in 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Mississippi Commission on Environmental Quality Permit Regulations for the Construction and/or Operation of Air Emissions Equipment, Regulation APC-S092, effective on May 28, 1991.

(B) Letter of June 21, 1994, from the Mississippi Office of the Attorney General to the Environmental Protection Agency.

(ii) Additional material. None.

(25) Revisions to minor source operating permit rules submitted by the Mississippi Department of Environmental Quality on January 26, 1994.

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(i) Incorporation by reference.

(A) Regulation APC-S-2, effective January 9, 1994.

(ii) Other material. None.

(26) The Mississippi Department of Environmental Quality has submitted revision to Regulation APC-S-5. The purpose of this regulation is to adopt by reference Federal regulations for the prevention of significant deterioration of air quality as required by 40 CFR 51.166 and 52.21.

(i) Incorporation by reference.

(A) Regulations of the prevention of significant deterioration of air quality—Regulation APC-S-5 effective January 9, 1994.

(ii) Additional information—None.

(27) Amendments to Regulation APC-S-1 “Air Emission Regulations for the

Prevention, Abatement, and Control of Air Contaminants” to be consistent with federal regulations as specified in 40 CFR Part 257.

(i) Incorporation by reference. Regulation APC-S-1 “Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants” effective January 9, 1994, except SECTION 8. PROVISIONS FOR HAZARDOUS AIR POLLUTANTS.

(ii) Additional material. None.

[37 FR 10875, May 31, 1972. Redesignated and amended at 62 FR 35442, July 1, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting redesignated §52.1281, formerly §52.1270, see the List of CFR Sections Affected in the Finding Aids section of this volume.